



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 173**

March 26, 1996 - Offered by COMMITTEE ON STATE GOVERNMENT OPERATIONS AND
CORRECTIONS.

1 **AN ACT to create** 20.410 (1) (gd), 36.11 (6) (d), 38.04 (27), 39.28 (6), 45.35 (18),
2 301.065 and 303.065 (5) (am) of the statutes; **relating to:** prohibiting
3 educational grants to state and federal prison inmates, prisoner payments for
4 postsecondary education costs, granting rule-making authority and making an
5 appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:*

6 **SECTION 1.** 20.410 (1) (gd) of the statutes is created to read:
7 20.410 (1) (gd) *Educational services.* All moneys received from postsecondary
8 education fee payments under s. 301.065 to provide education for prisoners.

9 **SECTION 2.** 36.11 (6) (d) of the statutes is created to read:
10 36.11 (6) (d) The board may not make a grant under this chapter to a person
11 for enrollment at any center or institution within the system if the person is an
12 inmate in a Type 1 prison, as defined in s. 301.01 (5), or is confined in a federal
13 correctional institution located in this state.

14 **SECTION 3.** 38.04 (27) of the statutes is created to read:

1 38.04 **(27)** GRANTS TO PRISON INMATES. The board may not make a grant under
2 this chapter to a person for enrollment at an institution of higher education, as
3 defined in s. 39.32 (1) (a), if the person is an inmate in a Type 1 prison, as defined in
4 s. 301.01 (5), or is confined in a federal correctional institution located in this state.

5 **SECTION 4.** 39.28 (6) of the statutes is created to read:

6 39.28 **(6)** The board may not make a grant under this subchapter to a student
7 if the student is an inmate in a Type 1 prison, as defined in s. 301.01 (5), or is confined
8 in a federal correctional institution located in this state.

9 **SECTION 5.** 45.35 (18) of the statutes is created to read:

10 45.35 **(18)** EDUCATIONAL BENEFITS. The department may not make a grant under
11 this chapter to a veteran for enrollment at an institution of higher education, as
12 defined in s. 39.32 (1) (a), if the veteran is an inmate in a Type 1 prison, as defined
13 in s. 301.01 (5), or is confined in a federal correctional institution located in this state.

14 **SECTION 6.** 301.065 of the statutes is created to read:

15 **301.065 Prisoners pay for costs of postsecondary education. (1)** In this
16 section, “postsecondary education” means education provided by a bachelor’s or
17 associate degree granting institution, but does not include any of the following:

18 (a) Education provided in a vocational diploma program, as defined in s. 38.01
19 (11).

20 (b) Education provided in a vocational certificate program.

21 (c) Education provided in an apprenticeship program.

22 (d) Training or instruction to prepare a prisoner for postsecondary education
23 or for a program specified in pars. (a) to (c).

24 **(2)** The department shall charge each prisoner for the costs of postsecondary
25 education provided to that prisoner by the department or paid for by the department.

1 This subsection applies to costs incurred on or after the effective date of this
2 subsection [revisor inserts date].

3 **(3)** If a prisoner is financially able to do so, he or she shall pay moneys due
4 under sub. (2) before receiving the postsecondary education course or programming.
5 If the prisoner is not financially able to make the payment before receiving the course
6 or programming, the department may provide the person with the course or
7 programming if the prisoner and the department make a written agreement
8 including all of the following:

9 (a) A payment schedule under which the prisoner makes payments while he
10 or she is in prison and, if necessary, while he or she is subsequently on parole.
11 Payment of all moneys owed under sub. (2) is a condition of any such parole.

12 (b) An assignment of all lottery prizes payable in instalments, commissions and
13 earnings that are payable to the prisoner to go into effect if the prisoner fails to
14 comply with the payment schedule. The assignment shall not have priority over
15 payments made to victims, restitution payments or court-ordered child support
16 payments. If the prisoner's commissions or earnings are subject to assignment under
17 this paragraph, the department shall not be entitled to an amount greater than 50%
18 of the prisoner's disposable commissions or earnings, remaining after deducting any
19 amount paid to victims, as restitution and for child support.

20 **(4)** The department shall collect all moneys due under sub. (2) and credit those
21 moneys to the appropriation account under s. 20.410 (1) (gd).

22 **(5)** The department shall promulgate rules to administer this section. The
23 rules shall include all of the following:

24 (a) Standards and methods for determining those prisoners that need financial
25 assistance under sub. (3).

1 (b) Standards for creating payment schedules under sub. (3).

2 (c) Procedures for monitoring compliance with payment schedules under sub.

3 (3).

4 **SECTION 7.** 303.065 (5) (am) of the statutes is created to read:

5 303.065 (5) (am) Payments for postsecondary education costs under s. 301.065.

6 (END)